

**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-0592**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Marco C. Matrundola** in the sum of **\$2,027.24** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a **result of an automobile accident on December 8, 2003 at 1117 Stillwood, NE** as set forth in the within claim; said sum taken from and charged to Account 2P01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk

**ADOPTED by the Council  
APPROVED by the Mayor**

April 19, 2004  
April 27, 2004

RCS# 5585  
4/19/04  
3:03 PM

Atlanta City Council

## Regular Session

CONSENT I

CONSENT I PG(S) 1-18, EXCEPT:04-R-0538  
04-O-0487 04-R-0473  
ADOPT

|              |    |
|--------------|----|
| YEAS:        | 14 |
| NAYS:        | 0  |
| ABSTENTIONS: | 0  |
| NOT VOTING:  | 2  |
| EXCUSED:     | 0  |
| ABSENT       | 0  |

|           |             |           |            |
|-----------|-------------|-----------|------------|
| Y Smith   | Y Archibong | Y Moore   | Y Mitchell |
| Y Starnes | NV Fauver   | Y Martin  | Y Norwood  |
| Y Young   | Y Shook     | Y Maddox  | Y Willis   |
| Y Winslow | Y Muller    | Y Boazman | NV Woolard |

CONSENT I

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## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L008

Date: March 17, 2004

Claimant /Victim MARCO C. MATRUNDOLA  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 3527 Hidden Acres Drive, Doraville, Georgia 30340  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 2,027.24 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 1/5/04 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 12/8/03 Place: 1117 Stillwood Drive, NE  
Department PUBLIC WORKS Bureau: Solid Waste Services  
Employee involved \_\_\_\_\_ Disciplinary Action: Pending Review

NATURE OF CLAIM: Claimant's parked vehicle sustained property damage when it was side-swiped by a City sanitation truck.

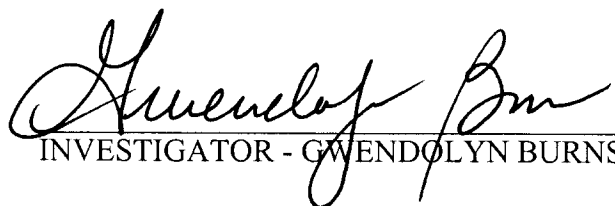
### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver X Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

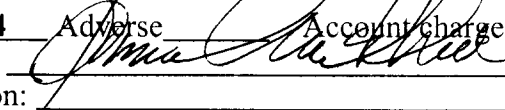
### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ 2,027.24 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2P01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 03/18/04  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RECEIVED

JAN 05 2004

MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

Today's Date: 12803

ENTERED - 1-13-04 - SB  
04L0008 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ See Attached property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 12 08 03 2. Time of Incident: 2:30 3. Police called: ✓  
(month/day/year) Yes No

4. Location of incident (including street address): 1117 Stillwood

5. Name of your insurance company: STATE FARM INS. Policy No. \_\_\_\_\_

6. State what and how incident occurred: Driver tried to squeeze pass parked vehicle working on home on Mondays route, an in doing so sideswipe vehicle

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: 93 Buick Roadmaster 360 LHR Marco C. MATRUNDOLA  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: Smith Toby Liamont Public Works SWS  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: MS. Simmons 128 Clair Dr 4-624-0199  
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

MARCO C. MATRUNDOLA  
(Print Claimant's Name)

3527 HIDDEN ACRES DR  
(Address)

DORAVILLE GA 30340  
(City, State and Zip Code)

678 591-8824 678-937-0900  
(Work Number) (Home Number)

1

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 04L0008

\$ 2,027.24

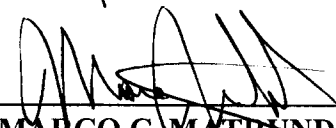
IN CONSIDERATION of the sum of TWENTY HUNDRED AND TWENTY-SEVEN AND 24/100  
\_\_\_\_\_ DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby  
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever  
discharge said City, its officers and employees, including but not limited to Toby Liamont Smith, from any and  
all **property damage claims**, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever  
kind or nature for or on account of anything that has heretofore occurred, and particularly for or account of an  
**automobile accident**

which occurred on or about the 8th day of December, 2003  
at or near 1117 Stillwood, N.E.

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents,  
servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

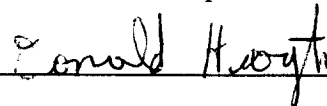
WITNESS my hand and seal this ELEVENTH day of MARCH, 2004.

  
\_\_\_\_\_  
MARCO C. MATRUNDOLA (LS)

\_\_\_\_\_  
(LS)

The above release was read and explained to, and signed by the said \_\_\_\_\_

MARCO C. MATRUNDOLA in our presence on the date above written.

  
\_\_\_\_\_

WITNESSES

ADOPTED BY  
APR 19 2004  
COUNCIL

Entered - 1-13-04 - sb  
CL 04L0008 - GWENDOLYN BURNS

CLAIM OF: MARCO C. MATRUNDOLA  
3527 Hidden Acres Drive  
Doraville, Georgia 30340

04- *p* -0592

For vehicular damages alleged to have been sustained as a result of an automobile accident on December 8, 2003 at 1117 Stillwood N.E.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **MARCO C. MATRUNDOLA** the sum of **\$2,027.24** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of an automobile accident on December 8, 2003 at 1117 Stillwood N.E. as is more particularly set forth in the within claim; said sum taken from and charged to account **2P01/529017/T31001**.

APPROVED: LINDA K. DISANTIS  
CITY ATTORNEY

BY: \_\_\_\_\_

*Jerry L. DeLoach*  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE 3/30/04

CHAR 4/8/04

*Alfred...*  
*...*  
*...*  
*...*

APPROVED  
*...*  
APR 27 2004  
MAYOR